

<b>DOCKET NUMBER</b>	<b>ANTICIPATED CLASSIFICATION OF THIS APPLICATION:</b>		<b>PRIOR APPLICATION</b>	
	<b>CLASS</b>	<b>SUBCLASS</b>	<b>EXAMINER</b>	<b>ART UNIT</b>
13437.001-US-C2			John P. Lacyk	3736

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EV 037622856 US  
Date of Deposit: March 18, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, MAIL STOP PATENT APPLICATION, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Theresa Anderson  
Name: Theresa Anderson

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 10/371,012, filed on February 20, 2003 entitled ACTIVE TISSUE AUGMENTATION MATERIALS AND METHOD by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	MILLER	PAUL	LEONARD
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	HARVEST	ALABAMA	USA
Post Office Address	Post Office Address	City	State & Zip Code/Country
	113 WANDERING LANE	HARVEST	ALABAMA 35749/USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 24 pages of specification, 28 claims, 1 page of abstract, 1 sheet of drawings, and 4 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

22763 U.S. P. 0  
031804

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
TOTAL CLAIMS: 28 -20	8	x	\$9.00	72.00
INDEPENDENT CLAIMS 3 -3	0	x	\$43.00	0.00
			BASIC FILING FEE:	\$385.00
			TOTAL FILING FEE:	\$457.00

☒ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of \$457.00.  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:  

"This application is a continuation of application Serial No. 10/371,012, filed February 20, 2003 which is a continuation of application Serial No. 09/634,414, filed August 8, 2000, which application(s) are incorporated herein by reference."
7. ☐ A set of formal drawings (sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to EV&M located at Edina, Minnesota.
10. ☒ The Power of Attorney in the prior application is to:  

Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)  
☐ Fee for excess claims is attached.
12. ☒ A petition and fee has been filed to extend the term in the prior application until March 18, 2004. A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

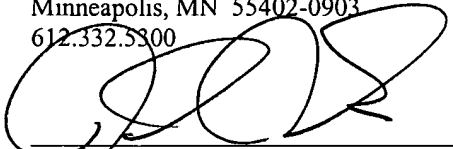
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☐ Also Enclosed:
16. ☒ Address all future communications to the **Attention of John C. Reich** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

Date:

March 18, 2004

  
\_\_\_\_\_  
John C. Reich  
Reg. No. 37,703  
JReich:nma

**23552**

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MILLER Examiner: JOHN P. LACYK  
Serial No.: 10/371,012 Group Art Unit: 3736  
Filed: FEBRUARY 20, 2003 Docket No.: 13437.1USC1  
Title: ACTIVE TISSUE AUGMENTATION MATERIALS AND METHOD

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CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 18, 2004.

By:   
Name: John C. Reich

PETITION FOR EXTENSION OF TIME

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. §1.136(a), it is respectfully requested that a one-month extension of time be granted in which to respond to the outstanding Office Action mailed November 18, 2003, said period of response being extended from February 18, 2004 to March 18, 2004.

We have enclosed a check for \$55.00 to cover the required extension fee for a small entity.

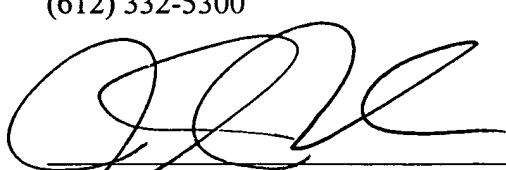
Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: March 18, 2004

**23552**

PATENT TRADEMARK OFFICE

  
John C. Reich  
Reg. No. 37,703  
JCR:nma